

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BILLY ACEVEDO, :
: Plaintiff, : 20 Civ. 7938 (PAC)
: :
-v- : ORDER
: PORT AUTHORITY TRANS HUDSON :
CORP., :
: Defendant.
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The Court **GRANTS** Defendant Port Authority Trans Hudson Corp.'s ("PATH's") Motion *in Limine* to bar testimony and evidence of a prior accident involving PATH employee Gregory Steiger. *See* Def.'s MIL, ECF No. 25. Steiger's March 7, 2017, injury was caused by a defective tripod turnstile with a "bent tab," *see* Def. Mem. at 2, ECF No. 27, while Plaintiff Acevedo's injury is allegedly the result of inadequate and improper staffing, not defective machinery. *See* Pl.'s Opp. at 2, ECF No. 31. The Court therefore agrees that the circumstances surrounding Steiger's injury are not "substantially similar," *see Lidle v. Cirrus Design Corp.*, 505 Fed. Appx. 72, 74–75 (2d Cir. 2012) (summary order), to the circumstances surrounding Acevedo's injuries as to make it relevant. The evidence and testimony are thus excluded, without prejudice to the inclusion of testimony about what any witness perceived at the time, place, and date of Acevedo's accident.

Dated: New York, New York
October 12, 2022

SO ORDERED


HONORABLE PAUL A. CROTTY
United States District Judge